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8 MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

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10 KALOA K. YOUNG, }
11 Plaintiff, }
12 vs. }
13 SEARS, ROEBUCK & CO }
14 Defendant. }

JULIE MACEK

Cause No. BDV 07-841
CR-08-070-GF-SEH-RKS

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16 COMPLAINT AND DEMAND FOR JURY TRIAL

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18 COMES NOW the Plaintiff, Kaloa Young, by and through her attorneys,
19 Marra, Sexe, Evenson & Bell, P.C., and for her complaint against the Defendant
20 alleges as follows:

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PARTIES AND JURISDICTION

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1. That Plaintiff was a resident of Great Falls, Cascade County, Montana
and was employed by the Defendant at all times relevant hereto.

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2. Defendant Sears, Roebuck & Co. ("Sears") is a duly organized
corporation which is incorporated in the State of New York, doing business in Great
Falls, Cascade County, Montana.

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GENERAL ALLEGATIONS

3. That Plaintiff was successfully employed by Sears in Great Falls from September 1995 through July 2006 and received promotions, raises and bonuses.

4. That on or about July, 2006, Plaintiff was notified by Defendant that she was terminated.

COUNT I

WRONGFUL DISCHARGE

5. Plaintiff re-alleges each and every preceding paragraph within General Allegations as if fully set forth herein.

6. Plaintiff was terminated from her employment without good cause and in violation of MCA §39-2-904.

7. Plaintiff was terminated in violation of the personnel policies of the organization according to the Employee Handbook distributed by the Defendant, in violation of MCA §39-2-904.

8. Plaintiff was terminated in retaliation for her refusal to violate public policy, in violation of MCA §39-2-904. Defendant demanded that she simply "suck it up" when she was injured and filed a worker's compensation claim. She filed the claim anyway and underwent surgery. Additionally, Defendant demanded that Plaintiff find some excuse to write up an employee who had taken absences which were covered by federal leave laws. Plaintiff refused to do so.

9. Defendant's actions subject it to punitive damages pursuant to MCA §39-2-905(2), as it acted with actual fraud or actual malice.

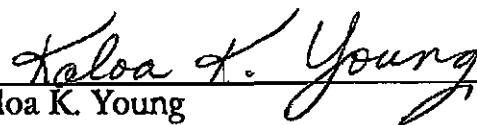
10. At the time of her discharge Plaintiff was working full time and was receiving and had received fringe benefits, bonuses and raises.

11. Plaintiff has been damaged by Defendant's wrongful discharge of her, including her loss of wages, all other employee benefits, the cost of job searches and moving expenses, interest, and loss of retirement benefits, in an amount to be determined at trial.

1 WHEREFORE, Plaintiff requests that this Court enter judgment against the
2 Defendant as follows:

- 3 1. For actual and compensatory damages in a sum to be proven at trial;
- 4 2. For general damages in an amount to be determined at trial;
- 5 3. For interest, attorneys' fees and costs;
- 6 4. For costs of suit;
- 7 5. For punitive damages;
- 8 6. For permission to amend pleadings to conform to the evidence and to
9 join such additional parties as evidence warrants;
- 10 7. For such other and further relief as the Court deems just.

11 DATED this 28 day of June, 2007.

12 
13 Kaloa K. Young
14 Kaloa K. Young

15 DATED this 29 day of June, 2007.

16 MARRA, SEXE, EVENSON & BELL, P.C.
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19 Great Falls, MT 59403-1525

20 By 
21 Sara R. Sexe
22 Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38, Mont.R.Civ.P., Plaintiff demands a trial by jury.

DATED this 20 day of June, 2007.

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By Sara R. Sexe
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